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| 10/708,560 | 03/11/2004 | Masao Koriyama | SIMTEK6879 | 2559 |
| 25776 | 7590 | 08/25/2006 | EXAMINER | |
| ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660 | | | GIMIE, MAHMOUD | |
| | | | ART UNIT | PAPER NUMBER |
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GROUP 3700

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/708,560
Filing Date: March 11, 2004
Appellant(s): KORIYAMA, MASAO

Ernest A. Beutler
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER dated August 9, 2006. The order stated that the Examiner's Answer, mailed February 03, 2006, fails to list the relevant reference(s) applied in the rejection on appeal under the heading "(8) Evidence Relied Upon." (MPEP) 5 1207.02(A)(8). As a result, the examiner's answer in question issued February 03, 2006 is hereby vacated and a

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corrected examiner's answer having the missing references listed under section (8) of the examiner's answer entitled "Evidence Relied Upon" is issued.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020062795

Inoue et al

05-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (US Patent Application Publication 2002/0062795).

Inoue, et al, discloses a cylinder block for an internal combustion engine having a lower, crankcase receiving portion and an upper, cylinder head receiving portion, at least one cylinder bore (S_1 - S_4) formed therein extending between said lower and upper portions and surrounded at least in part by a coolant jacket (W), and a pump receiving portion (55) formed at one side of said cylinder block and having a communication passage (71) communicating with a said cooling jacket (W) formed in said cylinder block, said communication passage having an upper wall that is inclined upwardly (figure 6) relative to said cylinder bore from said pump receiving portion (55) toward the upper portion of said cylinder block to facilitate casting of said cylinder block without the formation of unwanted metal voids, see figures 1-13.

With regard to claim 2, the communication passage (71) terminates in at the upper end thereof, see figure 6 and 13.

With regard to claim 3, wherein the pump comprises an engine coolant pump (55) and the communication passage (71) communicates with the cooling jacket (W).

With regard to claim 4, the cylinder block further including a pair of axially extending reinforcing ribs (52) each extending transversely outwardly from a central portion of a respective side of the cylinder block, see figure 4.

With regard to claim 5, wherein the cylinder block forms a plurality of axially spaced cylinder bores and further including a plurality of reinforcing ribs (52) formed on opposite sides of said cylinder block each of which is aligned with the axis of respective one of said cylinder bores, see figure 4.

With regard to claim 6, the cylinder block further including a pair of axially extending reinforcement ribs (52) each extending transversely outwardly from a central portion of a respective side of the cylinder block, see figure 4.

With regard to claim 7, wherein the communication passage (71) terminates in the cylinder block at the upper end thereof, see figure 6.

With regard to claim 8, the pump comprises an engine coolant pump (55) and the communication passage (71) communicates with the cooling jacket (W).

(10) Response to Argument

(a) With regard to claims 1-3, appellant contends that the Patent Application Publication to Inoue et al fails to disclose communication passage having an upper wall that is inclined upwardly relative to said cylinder bore from said pump receiving portion toward the upper portion of said cylinder block to facilitate casting of said cylinder block at the upper end thereof" and that the flow arrow shown in phantom clearly goes in a down direction, thus aggravating, not solving, the problem.

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In response to this argument, and with reference to figure 6, Inoue, et al., discloses communication passage (71) that extends from the wall (3a), having an upper wall such as the coolant pump housing (47), that is inclined upwardly relative to said cylinder bore (not clearly shown in figure 6, but along reference numeral 3c as clearly shown in figure 13 as s1-s4) from said pump receiving portion (55) toward the upper portion of said cylinder block to facilitate casting of said cylinder block at the upper end thereof (inherently and necessarily present benefit)". With regard to the arrow, it is appears to be indicating the direction of the water flow past the passage (71) and into the water jacket (w) and not the structure of the communication passage (71) that originates around the bottom wall (3a).

(b) With regard to claim 4, appellant asserts that the reference further fails to disclose " a pair of axially extending reinforcing ribs each extending transversely outwardly from a central portion of a respective side of the cylinder block" and that there are ribs at various angles but not axially.

In reply to the above argument, Inoue et al shows in figure 4, which is a side view of the cylinder block, a network of reinforcement ribs including a pair of axially extending reinforcing ribs (52, see ribs near 3a and w at the top of the figure). Further, it is clear from this figure and other figures such as figures 5 and 6, that the reinforcing ribs assume various angles in the cylinder block.

(c) With regard to claim 5, appellant argues that the relied upon reference fails to disclose " a plurality of reinforcing ribs formed on opposite sides of said cylinder block each of which is aligned with the axis of a respective one of said cylinder bores" and

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notes that the examiner alleged the ribs (52) as being horizontal at one instance and vertical, and not horizontal, in another.

In response to the above argument, Inoue et al discloses a plurality of reinforcing ribs (52, see figure 4) formed on opposite sides of said cylinder block (see figures 4-8 for side view, front view, rear view, top view and bottom view) each of which is aligned with the axis of a respective one of said cylinder bores (s1-s4)". The ribs (52) as shown in figure 4 and other figures, assume various reinforcing positions including horizontal and vertical positions.

(d) With regard to claims 6-8, appellant did not comment on them, but they are rejected under 35 U.S.C. 102(b) as indicated in section (9) of this examiner's answer.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mahmoud Gimie, Primary Examiner


MAHMOUD GIMIE
PRIMARY EXAMINER

Conferees:


Steve Cronin, Supervisory Primary Examiner

Tony Argenbright, Primary Examiner


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